

SUPREME COURT FOR THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

UNITED STATES

vs. Terry Jiminez

1. My name is Jeffrey A. Clay, Jr. I am a detective with the Metropolitan Police Department ("MPD"). My badge number is: D2-1659. I have been a sworn Officer with MPD for approximately 7-1/2 years. I am currently assigned to the Homicide Branch, and have been so assigned for approximately 1 year. Among other things, I am responsible for investigating homicides that occur within the District of Columbia. I am the lead detective into the shooting death of Robert Foster, Jr. ("Mr. Foster"), that occurred on Saturday, June 25, 2011, at approximately 1700 hours, in the 700 block of Gresham Place, N.W., in Washington, D.C. At the time, there was an open-air event, known as the Caribbean Festival, that was taking place along the 2000-3100 block of Georgia Ave. N.W., that was attended by thousands of people.

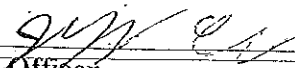

2. The information in this Affidavit is based upon information I have learned first hand and matters that were made known to me by other detectives and officers involved in this investigation. This Affidavit is not intended to set forth all of the information known to me or to MPD, but is rather intended to set forth fairly in summary fashion some of the evidence concerning the murder of Mr. Foster, so that the Court can make a fair and informed decision as to whether or not probable cause and/or substantial probability exists as to the involvement of Terry Allen Jiminez's ("Mr. Jiminez") in the murder of Mr. Foster.

3. Among other things, the investigation into the death of Mr. Foster established that at approximately 1703 hours (5:03 pm) on Saturday, June 25, 2011, members of MPD responded to the 700 block of Gresham Place, N.W., in Washington, D.C., to investigate the report of gunshots having been heard in the area. Upon arrival, MPD Officers located four (4) gunshot victims in the area. Mr. Foster was transported to MedStar Unit at the Washington Hospital Center, where he was pronounced dead at approximately 2041 hours (8:41 pm.) Thereafter, Mr. Foster's remains were transported to the Office of Chief Medical Examiner for the District of Columbia ("OCME.") At the OCME, an autopsy was conducted by Dr. Prasher, who determined that the cause of death was a gunshot wound to Mr. Foster's lower back and spinal cord and that the manner of death was homicide.

4. Among other things, the investigation involved interviews with witnesses, interviews with Mr. Jiminez, review of multiple video-tapes from the area. In addition, your affiant has known Mr. Jiminez for approximately 5 years and has interacted with him on at least 15 occasions. Indeed, Mr. Jiminez was the intended victim in another homicide case on February 19, 2011, in which a close friend of Mr. Jiminez's was killed and that case is assigned to your affiant.

5. When reviewing various video-tapes from the area, I was able to determine that three individuals walked together into the 700 block of Gresham Place, N.W., and then crossed together from the north side to the south side of Gresham Place, N.W., in an unassuming manner. They appear calm and unconcerned. It appeared that Mr. Jiminez and two other men walked

Subscribed and sworn before me this 27th June 2011. (date)

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together south on Georgia Ave., N.W., and then west into the 700 block of Gresham Place, N.W., and they were following the other three men. Mr. Jiminez and his two companions entered the 700 block of Gresham Place, N.W., on the north side of the street, with a sense of urgency. Mr. Jiminez, who is dressed in a black-colored T-shirt and tan-colored cargo-type shorts, pulled up his shirt and reached into the area of his waistband, where he appeared to retrieve a pistol. The initial group of three people appear to be retreating and attempting to get away from Mr. Jiminez and the two people who are with Mr. Jiminez. The two groups are on opposite sides of the street.

6. Once Mr. Jiminez was about a quarter of the way into the 700 block of Gresham Place, N.W., he came into the middle of the street, ducking behind a motor vehicle, which he is using for cover, and fired his pistol in the direction of the group of three individuals who appear to be fleeing from Mr. Jiminez and his companions. In response to Mr. Jiminez's gunshots at them, two members of the retreating group take out weapons and fire back in the direction of Mr. Jiminez and his group, as the first group flees westbound from the area.

7. During this exchange of gunfire, numerous uninvolved citizens were virtually trapped by and between the gunfire. Three such people were struck by the gunfire on the south side of the 700 block of Gresham Place, N.W. One such person, C-2, suffered a gunshot wound to her back and was transported to the hospital. Another such person, C-3, suffered gunshot wounds to the leg and to the stomach and was transported to the hospital.

8. In addition, Mr. Jiminez was shot in the area of his right elbow. Mr. Jiminez made his way to the alley beside 740 Columbia Road, N.W., where he was located and transported to George Washington Hospital for treatment. Mr. Jiminez's two shirts were recovered from where he had been attended by the Fire Board prior to being transported. Both shirts appeared to have blood on them.

9. An MPD Officer located a .45 caliber semi-automatic pistol on what appeared to have been Mr. Jiminez's trail from the 700 block of Gresham Place, N.W., to the alley beside 740 Columbia Road, N.W.

10. At George Washington Hospital, Mr. Jiminez was interviewed by an MPD detective. At that time, Mr. Jiminez was being interviewed as an uninvolved victim. At that time, Mr. Jiminez stated essentially that others had initially fired at him and that he had fired back with his .45 caliber semi-automatic pistol in self-defense. At that point, Mr. Jiminez was placed under arrest for Carrying a Pistol Without a License. However, due to his wound, Mr. Jiminez remained at George Washington Hospital until the next day.

11. Prior to Mr. Jiminez's release from the Hospital, your affiant, among others, obtained and reviewed various video-tape footage that had been taken from the area at the time of the shootings. The summary set forth above, is based upon the review of such video-tape

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footage. From the video-tape, your affiant was then able to scrutinize the actions of Mr. Jiminez and the other participants and realized that Mr. Jiminez was actually the aggressor and he had not acted in self-defense.

12. Upon his release from the Hospital, on Sunday, June 25, 2011, Mr. Jiminez was transported to the Homicide Branch. Mr. Jiminez was advised on his *Miranda* rights at approximately 1505 hours (3:05 pm). Mr. Jiminez waived his *Miranda* rights and provided a statement. In his statement, Mr. Jiminez stated essentially that, prior to the shootings, he and one of the other men (a man with a hat) were posturing back and forth on Georgia Ave., N.W., and that when Mr. Jiminez saw the man and his companions walk (westbound) on Gresham Place, N.W., (on the south side of the street) Mr. Jiminez and two of his associates entered Gresham Place, N.W., on the other side of the street (the north side), following the other three men. Mr. Jiminez said one of the men they were following, who was on the other side of the street, began "pump faking" in Mr. Jiminez's direction, so Mr. Jiminez began "pump faking" back at the other man. Mr. Jiminez stated he was not going to "get caught slipping." Your affiant has prior knowledge that Mr. Jiminez is a member of the Hobart Stars crew. During the interview, Mr. Jiminez stated he saw dudes from 14th Street, N.W. Your affiant is aware that the Hobart Stars crew are in conflict with the people from 14th Street, N.W., who are known as "CTU" (Clifton Terrace University.) Mr. Jiminez stated he knew his adversary and he provided the a partial name for the person.

13. According to Mr. Jiminez, after "pump faking," both he and the other man drew their weapons and began shooting at one another. Your affiant is aware that the term "pump faking" refers to an individual semi-discretely displaying his weapon to a potential adversary to let the other person know the individual is armed with a pistol. As Mr. Jiminez stated "pump-faking," he drew up the hem of his hospital gown as though he was showing a pistol his waistband. Your affiant is aware that the phrase getting "caught slipping," is a street phrase that means the person does not want to be perceived as someone who can caught unaware.

14. As previously indicated, Mr. Jiminez's claims of self-defense are clearly in conflict with what is demonstrated on the videotape segments, which establish that Mr. Jiminez is the aggressor.

15. With the exception of Mr. Jiminez, all of the other three gunshot victims -- to include the 43-year old Mr. Foster -- were merely attending the Caribbean Festival activities and were not members of, or affiliated with, either the Hobart Stars crew of the CTU crew.

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16. Your affiant believes, and therefore avers, that both probable cause and substantial probability exist that Terry Allen Jiminez (PDID # 580-977; DOB: 08-16-1991) is guilty of, at a minimum, Second Degree Murder While Armed in the death of Robert Foster, Jr.

The events and acts described above occurred primarily in the District of Columbia and were committed as described by defendant(s) listed in the case caption.

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[Signature]
Police Officer

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District

[Signature]
Deputy Clerk